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Date: 16 Jun 2009

To: Mr. Cutler	From: JUSTINE R. YU
Application/Control Number: 10/593,172	Art Unit: 3771
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Title: "Oral Device"
International Application No. PCT/US2005/040029
Inventor: Harold E. Cutler
Attorney Docket Number: 065391.0002
U.S. Application No. 10593,172

Proposed amendment for discussion:

In the specification:

On page 11, line 21, "end 50" should be changed to --declined end portion 50--.

In the claims:

12.(Currently Amended). An oral device comprising:

 a mouthpiece member, the mouthpiece member being of a resilient material and may be individually tailored to fit within the contours of the teeth of a wearer;
 a tube member, the tube member being affixed, at a first end, to the mouthpiece member and adapted to extending towards the oral cavity of the user, wherein the tube member does not extend past the teeth of the wearer and allows for air to be dispersed throughout the oral cavity of the wearer;

a cushion member;

a soft palate member having a first end and a second end, the soft palate member the first end extending from a second end of the tube member and operable to maintain upward pressure against the soft palate of the wearer, the second end of the soft palate member being opposite the first end of the soft palate member, the second end of the soft palate member forms a declined portion, said cushion being disposed on the declined portion;

 a tongue member, the tongue member extending from the second end of the tube member and operable to maintain downward pressure against the tongue of the wearer; and

 an attachment member, the attachment member being attached to the mouthpiece member at at least one location and operable to secure the oral device within the oral cavity of the wearer;

whereby the tube member defines an opening, the opening allowing for the free transfer of air between the wearer and the environment.

13. (Cancelled).

14. (Currently Amended). ~~The oral device of Claim 12, further comprising a cushion member disposed on a second an end of the tube soft palate member, the second end of the tube member being opposite the first end of the tube member.~~

Cancel claims 1,3-6,8-11, and 20.

For discussion:

claim 12 lines 5-6, "the tube member does not extend past the teeth of the wearer" seems to be new matter not support in the original filed disclosure.

Similarly, claim 15 lines 2-3 has same new matter issue.

Claim 16 lines 3, "so as to extend rearward past the teeth" suggest changing to --
whereby the tongue member is configured to be extendable rearwardly past the teeth--